

PUBLIC NOTICE

Notice of Lodging of Proposed Settlement Agreement Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Comprehensive Environmental Cleanup and Responsibility Act

30-Day Public Comment Period

The Montana Department of Environmental Quality (DEQ) and the Montana Department of Justice (MDOJ) hereby give notice of a 30-day public comment period on the Consent Decree and Settlement Agreement regarding certain sites in Montana that was filed March 13, 2009, with the United States Bankruptcy Court for the Southern District of Texas in *In re Asarco LLC*, No. 05-21207 (Bankr. S.D. Tex.).

The proposed Agreement entered into by the United States on behalf of the Environmental Protection Agency (EPA), the United States Department of the Interior (DOI), the state of Montana, and Asarco LLC provides, *inter alia*, for the establishment of a custodial trust, the transfer of certain properties to that trust, and funding of the trust with allowed administrative expense claims for administrative and site cleanup and restoration costs. The proposed Agreement provides the custodial trust with an allowed administrative expense claim of \$ 8.9 million to cover its administrative costs and allowed administrative expense claims in the amount indicated for each of the following Sites to fund cleanup work: the Black Pine site, consisting of property owned by Asarco at or near the Black Pine Mine complex near Phillipsburg, Montana--\$ 17.5 million, the Mike Horse site, consisting of property owned by Asarco at portions of the Upper Blackfoot Mining Complex near Lincoln, Montana--\$ 10 million, the Iron Mountain site, consisting of property owned by Asarco at portions of the Iron Mountain/Flat Creek Mine complex near Superior, Montana--\$ 1.9 million, and the East Helena site, consisting of all property owned by Debtors at or near East Helena, Montana--\$ 100 million. The proposed settlement also includes an allowed general unsecured claim of \$ 5 million to Montana for compensatory natural resource damages.

The 30-day public comment period runs from March 24, 2009 to April 23, 2009. Comments are being received by the U.S. Department of Justice and should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either emailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either e-mailed to pubcomment-ees.enrd@usdoj.gov or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *In re Asarco LLC*, DJ Ref. No. 90-11-3-08633. Commenters may request an opportunity for a public meeting in the affected area, in accordance with Section 7003(d) of RCRA, 42 U.S.C. 6973(d).

The proposed Agreement is subject to bankruptcy court approval. The proposed Agreement may be examined on the following U.S. Department of Justice Website

http://www.usdoj.gov/enrd/Consent_Decrees.html the DEQ website at www.deq.mt.gov or the MDOJ website

<http://www.doj.mt.gov/lands/naturalresource/noticespubliccomment.asp>

The proposed Agreement may also be examined at the MDOJ office located at 1301 East Lockey or the DEQ office at 1100 N. Last Chance Gulch, both in Helena.